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Jamie Kellner

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11/21/2006

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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/002,837 | Applicant(s) KELLNER ET AL. | |
| | Examiner Jason P. Salce | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11,12,14-18,20-27,29-36,38,39 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11,12,14-18,20-27,29-36,38,39 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 8/23/2006 have been fully considered but they are not persuasive.

Applicant has amended the majority of the independent claims to include the limitation, "said standard and said alternative audio track being in the same language". The examiner notes that Block reads on this limitation at Column 19, Lines 37-39, which states that both an alternative language audio signal and a substitute audio signal can be provided. Note that the substitute audio signal is further defined at Column 24, Lines 7-20 to be substitute lyrics to an audio track if the system determines that the main audio track contains offensive lyrics. Therefore, Block clearly discloses, "said standard and said alternative audio track being in the same language".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 31, Block discloses a first TV receiver with a first signal processor disposed at a first geographic location (see viewer station equipment 20 in Figure 1).

Block also discloses a second TV receiver with a second signal processor disposed at a second geographic location (see Column 3, Lines 41-44 and 46-51 for transmitting the signals to multiple viewers that contain multiple viewer stations).

Block also discloses a broadcasting apparatus adapted to transmit composite video signals (see central station equipment 10 in Figure 1 and Column 3, Lines 55-62), said composite video signals including a video broadcast channel that carries a video signal for an audio-visual program (see Column 3, Lines 41-46), a main audio channel that carries a standard audio track for said program (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals), said standard audio track being generic to both TV receivers (see Column 16, Line 59 through Column 17,

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Line 3 for the main audio track containing the normal audio played for users and since the substitute audio track is being used to replace offensive material in the main audio track, and since the substitute audio is only used according to the category labels set by viewers at a viewer station, and different users can set different category labels, then clearly the main audio track is generic to both users and only certain offensive material will be block by a first user different from a second user according to the desired set of category labels set by each user individually), an additional audio channel that carries one of a first and a second alternative audio track for said program (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals that can be used to replace certain portions of the main audio track when an undesired portion of the audio is determined), each of said audio tracks being composed of sequential sound segments (the examiner notes that audio tracks contain multiple sounds that occur one after another, therefore the audio tracks are inherently composed of sequential sound segments), wherein said alternative audio track is derived by replacing some of the segments of said standard audio track with other segments not found in said standard audio track (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals that can be used to replace certain portions of the main audio track when an undesired portion of the audio is determined by the use of the category labels). **Applicant has amended the majority of the independent claims to include the limitation, “said standard and said alternative audio track being in the same**

language". The examiner notes that Block reads on this limitation at Column 19, Lines 37-39, which states that both an alternative language audio signal and a substitute audio signal can be provided. Note that the substitute audio signal is further defined at Column 24, Lines 7-20 to be substitute lyrics to an audio track if the system determines that the main audio track contains offensive lyrics. Therefore, Block clearly discloses, "**said standard and said alternative audio track being in the same language**".

Block also discloses a first composite video signal with the first alternative audio track is transmitted to said first video signal processor and a second composite video signal with the second alternative audio transmitted to said second video signal processor (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals that can be used to replace certain portions of the main audio track when an undesired portion of the audio is determined and further note the teachings of SAP at Column 19, Lines 37-39 for the composite video signal containing a substitute and alternative language audio signal), and said video signal processors are adapted to receive said composite video signals and to generate corresponding output audio and video signals, with said output audio signals corresponding to one of said audio tracks (see Column 19, Line 39 through Column 20, Line 66 for how the composite video signal is processed and output by a signal processor and can output audio signals according to the proper TIL or LIL provided, therefore multiple signal processors can output different audio tracks according to the category labels).

Referring to claim 32, see the rejection of claim 31 for the passages of Block which disclose the use of a SAP channel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9, 11-12, 14-18, 20-27, 29-30, 33-36, 38-39 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al. (U.S. Patent No. 6,675,384) in view of Kou (U.S. Patent No. 6,661,466).

Referring to claim 1, Block discloses a video signal processor (see viewer station equipment 20 in Figures 1, 5 and 6).

Block also discloses a tuner (see tuner 50 in Figure 5) adapted to receive a composite video signal (see program signal in Figure 5), said composite video signal including a video channel that carries a video signal for an audio visual program (see Figure 5 for the output of the demodulator containing a video signal), a main audio channel that carries a standard audio track for said program (see Figure 5 for the output of the demodulator containing an audio signal), and a SAP channel carrying an alternative audio track for said standard audio track (see Figure 5 for the output of the demodulator containing a substitute audio signal and also note Column 19, Lines 26-32 for the substitute audio signal coming from a SAP channel). **Applicant has amended**

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the majority of the independent claims to include the limitation, “said standard and said alternative audio track being in the same language”. The examiner notes that Block reads on this limitation at Column 19, Lines 37-39, which states that both an alternative language audio signal and a substitute audio signal can be provided. Note that the substitute audio signal is further defined at Column 24, Lines 7-20 to be substitute lyrics to an audio track if the system determines that the main audio track contains offensive lyrics. Therefore, Block clearly discloses, “said standard and said alternative audio track being in the same language”.

Block also discloses a selector (remote control unit at Column 12, Lines 3-9) adapted to select one of said standard and said alternative audio tracks as the active audio track (see Column 11, Line 59 through Column 12, Line 9).

Block also discloses output circuitry coupled to said tuner (see modulator 130 in Figures 5 and 6) and generating output audio and video signals (see Column 17, Lines 9-11), said output audio signals corresponding to said active audio track (see Column 20, Lines 2-5).

Although Block clearly teaches that a video signal processor can be located in a different geographic location (see Column 3, Lines 48-51 for Block transmitting video and audio w/ different audio tracks to multiple viewers), Block fails to teach wherein one of said standard audio track and said modified version contains geographic region-specific information.

Kou discloses that video signal processors can be located in different geographic locations (see Column 2, Lines 11-21) and that when multiple audio tracks are transmitted to the video signal processor that these audio tracks can be analyzed for geographic region-specific information to determine what language the viewer wishes to hear (see Column 4, Lines 6-59 and Column 5, Lines 23-27). Further note Column 3, Lines 1-13 and Figure 4 for receiving the information in the video signal.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal processor, as taught by the '802 patent, using the natural language selection process which responds to the geographical region-specific information contained in the incoming signal, as taught by Kou, for the purpose of assisting the reduction of resources expended on setting geographical natural language preferences during the manufacturing processing (see Column 2, Lines 49-63 of Kou).

Referring to claim 2, Block discloses that the standard audio track is composed of first segments and said alternate audio track is composed of second segments, and a substantial number of said first and second segments are identical (see Column 10, Lines 13-24 for dividing the program according to the TIL labels, which dictate that certain portions (rated R) can be provided substitution audio or video signals).

Referring to claim 3, see the rejection of claim 2 and also note Column 19, Lines 18-52 for the function of substituting the portions of the audio and also note Column 20, Lines 6-27 for substituting video portions.

Referring to claim 4, see the rejection of claims 2-3.

Referring to claim 6, Block discloses that said main and alternative audio tracks are customized for viewer with different demographic characteristics (see Column 13, Lines 5-22 and 58-67 for generating local information labels (LIL) according to a user's demographic characteristics (preferences)).

Referring to claim 7, Block discloses a latch having a set and reset mode responsive to a code, wherein said selector is coupled to said latch and is adapted to designate an active audio track when said latch is set, which cannot be changed by a viewer without resetting the latch (see Column 14, Lines 6-65).

Referring to claim 8, see the rejection of claims 1-2.

Referring to claim 9, see the rejection of claim 3.

Referring to claim 11, see the rejection of claim 6, respectively.

Referring to claim 12, Block discloses that said B segments are targeted to a general viewer population and said C segments are targeted to a viewer population at a specific geographic location (see again Column 13, Lines 5-22 and 58-67 for generating local information labels (LIL) according to a user's demographic characteristics (preferences) and that Blocks invention can be provided to multiple viewers (see Column 3, Lines 48-51), therefore parents and children (different viewing populations) can view certain segments at certain geographic locations).

Referring to claim 14, see the rejection of claim 7.

Referring to claim 15, see the rejection of claim 1 and 12 for a plurality of video signal processors at various geographic locations.

Referring to claims 16-18 and 20, see the rejection of claims 2-4 and 6, respectively.

Referring to claim 21, see the rejection of claim 6 and note that the program signals are "broadcast" to multiple viewers (see Column 3, Lines 48-51).

Referring to claims 22-23, see the rejection of claims 1-4.

Referring to claim 24, see the rejection of claim 13.

Referring to claim 25, see the rejection of claims 7 and 14.

Referring to claim 26, see the rejection of claim 1.

Referring to claim 27, see the rejection of claim 3.

Referring to claim 29, see the rejection of claim 6, respectively.

Referring to claim 30, see the rejection of claim 21.

Referring to claim 33, see the rejection of claim 1 and note that Block further teaches a screen and speaker to display and produce, video and audio signals, respectively (see Figure 5 for an output to a TV and Column 23, Lines 58-64 and Column 20, Lines 4-27).

Referring to claims 34-36 and 38-39, see the rejection of claims 2-4 and 6-7, respectively.

Referring to claim 46, see the rejection of claim 1 for Kou teaching these limitations.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

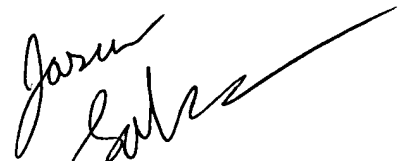
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

November 15, 2006

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Jason Salce", with a long, sweeping horizontal line extending to the right.